UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/181
27 June 1996
ENGLISH
ORIGINAL: ARABIC/ENGLISH/
SPANISH

Fifty-first session
Item 71 (f) of the preliminary list*

GENERAL AND COMPLETE DISARMAMENT: MEASURES TO CURB THE ILLICIT TRANSFER AND USE OF CONVENTIONAL ARMS

Report of the Secretary-General

CONTENTS

		Page
I.	INTRODUCTION	2
II.	INFORMATION RECEIVED FROM GOVERNMENTS	2
	Argentina	2
	Colombia	3
	Ecuador	5
	Germany	7
	Namibia	8
	Poland	8
	Saudi Arabia	9

* A/51/50.

96-16133 (E) 180796 190796

I. INTRODUCTION

1. On 15 December 1994, the General Assembly adopted resolution 49/75 M, entitled "Measures to curb the illicit transfer and use of conventional arms", in paragraph 3 of which it requested the Secretary-General: (a) to seek the views of Member States on effective ways and means of collecting weapons transferred illicitly, in particular in the light of experience gained by the United Nations; and (b) to seek the views of Member States on concrete proposals concerning measures at the national, regional and international levels to curb the illicit transfer and use of conventional arms.

2. In response to his note verbale of 23 January 1996, the Secretary-General has to date received replies from Argentina, Colombia, Ecuador, Germany, Namibia, Poland and Saudi Arabia. The replies are reproduced in section II below. Should the Secretary-General receive further replies from Member States, they will be issued as addenda to the present report.

II. INFORMATION RECEIVED FROM GOVERNMENTS

ARGENTINA

[Original: Spanish]

[20 May 1996]

1. During the Disarmament Commission's 1995 substantive session, Argentina submitted working papers A/CN.10/187 and A/CN.10/188 to the Working Group on international arms transfers with special reference to resolution 46/36 H of 6 December 1991.

2. Those documents clearly outline the sensitive and military equipment control regime of the Argentine Republic and the views of the Republic concerning the importance of control regimes and of transparency for curbing illicit transfers.

3. Accordingly, on 2 April 1996 Argentina became a full member of the Wassenaar Arrangement, since it supports, agrees with and will be guided by the purposes of that arrangement, namely, the promotion of transparency and greater accountability in transfers of conventional arms and dual-use goods and technologies, with a view to preventing the destabilizing stockpiling of weapons and enhancing international security and stability.

COLOMBIA

[Original: Spanish]

[18 March 1996]

Illicit trafficking in light weapons

1. Illicit trafficking in light weapons is a phenomenon that has an impact on the domestic stability of States and on regional conflicts. At a time when the indiscriminate use of light weapons and explosives against innocent people and civilian property is on the increase and when the recipients of such weapons are, above all, persons or groups responsible for criminal, destabilizing activities that violate human rights, such trafficking must be unequivocally condemned and eliminated without delay.

2. As countries which have expressed concern at the violation of human rights, we must bear in mind that illicit arms trafficking, particularly in light weapons, is a major factor in the violation of such rights. Those who buy and sell such arms illicitly have amply demonstrated how little value they attach to the right to life and the right of every human being to live in peace.

3. Obviously, the illicit trade in small arms is continuing. In 1994, the Colombian authorities confiscated 21,775 weapons and 64,183 rounds of ammunition of various calibres in the country. In 1995, a similar number of weapons were seized. Thus far in 1996, just one of the stockpiles discovered by the Colombian authorities could have caused tremendous destruction in the capital city. Although government action to control arms trafficking has achieved significant results, those results show that subversive groups and organized crime still have access to the massive weapons stockpiles that are flooding the international market. Not only have the "merchants of death" opened up new routes for this trade, but they are now supplying weapons and equipment that include the latest innovations in military technology, from modern AUG guns manufactured with synthetic fibres, M-72 LAWS anti-tank missile launchers, M-61 GRAP APERS grenades and plastic dynamite to technology and fissile material for the production of nuclear weapons.

4. Colombia has long believed that the United Nations should play a central role in the process of curbing the proliferation of conventional arms and controlling their transfer. It was this that prompted our country, in 1988, to introduce resolution 43/75 I of 7 December 1988, the first resolution adopted by the General Assembly on arms transfers and illicit arms trafficking.

5. Since then, in its determination to find specific solutions to the problem of illicit arms trafficking, and particularly to the problem of light weapons, Colombia has introduced resolution 46/36 H, adopted by the General Assembly on 6 December 1991, as a result of which the United Nations Disarmament Commission is examining guidelines for the implementation of concrete measures aimed at preventing arms from reaching those who intend to use them to destabilize Governments, foment violence and terrorism and promote trafficking in narcotic drugs, ordinary and organized crime, mercenarism and other criminal activities.

6. Since the adoption of resolution 46/36 H in 1991, many countries have recognized that priority must be given to tackling the arms trade and eradicating illicit arms trafficking. The General Assembly, at its forty-ninth session, adopted two resolutions on illicit arms trafficking. In resolution 49/75 G of 15 December 1994, introduced by Mali on behalf of a group of African States, the Assembly expresses grave concern at the extent of the insecurity and banditry linked to the illicit circulation of small arms in the subregion and invites Member States to implement all necessary measures to check the illicit circulation of such arms and, above all, to curb their illegal import. In resolution 49/75 M of the same date, introduced by Afghanistan and jointly sponsored by other countries, including Colombia, the Assembly stresses the need for effective national control measures in order to prevent illicit transfers, as an important contribution to the relaxation of tension and peaceful reconciliation processes.

7. With these resolutions, as well as resolution 50/70 B, entitled "Small arms", introduced by Japan and adopted by the General Assembly on 12 December 1995, the process begun in 1988 has gathered momentum by focusing on light weapons as an important aspect of the problems inherent in arms transfers and illicit arms trafficking.

Eradication of illicit transfers of light weapons

8. There is no need to go into detail about the consequences of the proliferation of light weapons for the peace and stability of many nations and, therefore, for international peace and security. There is a need, however, for States, in particular those which produce and authorize the sale of light weapons, to face up to their responsibilities in this area and to commit their Governments to a policy of strict regulation of the sale, possession, bearing, import and export of such weapons, a policy which would involve both the institutions responsible for monitoring compliance and those responsible for imposing the corresponding penalties for non-compliance.

9. In this context, States, in accordance with the recommendations of the report of the Secretary-General on illicit arms trafficking (A/46/301), reproduced in resolution 46/36 H, must strive to establish or maintain the legal and administrative institutions responsible for taking the following priority actions, among others:

- Ensuring an adequate body of laws and/or regulations and procedures for the effective monitoring of their armaments and of arms imports and exports, with a view to preventing such arms from getting into the hands of parties engaged in illicit arms trafficking;

- Maintaining an effective system of export, import and shipping licences and end-use/end-user certificates or equivalent mechanisms;

- Providing an adequate number of appropriately trained customs officials to undertake the necessary monitoring of arms exports and imports;

- Intensifying efforts to combat corruption;

- Cooperating with other States at the bilateral, regional and international levels in providing information on customs, traffic and seizure of illicit weapons, and coordinating intelligence work where necessary and possible.

10. The establishment of national rules and administrative procedures for the internal monitoring of arms transfers that can be harmonized at the international and regional levels should be promoted. One example of such harmonization would be the rule ensuring the use of a verifiable end-use certificate to prevent arms from being diverted to clandestine networks.

11. Channels of communication on illicit arms trafficking should be expanded so as to permit exchanges of information that allow every possible manner and method of eliminating it to be explored and so as to facilitate a collective effort on the part of institutions dedicated to arms control, tracking and seizure. It is essential to use appropriate technology for this purpose.

12. The operational aspects of the proposal in resolutions 49/75 G and 50/70 J of 12 December 1995 for the collection of illicit small arms must be examined, so that this procedure may prove practical and effective in curbing the illicit traffic in such arms. Colombia feels that, in addition to collecting such weapons, the ultimate goal should be to destroy them.

ECUADOR

[Original: Spanish]

[1 April 1996]

Illicit transfers of conventional arms in Ecuador

I. BACKGROUND

1. According to National Police statistics, the major crimes committed since 1 January 1995 have included, inter alia, robberies of public and private entities, bombings, escapes, kidnappings and clashes between criminals and the police. Since conventional arms were used to commit these crimes, it can be inferred that illicit arms trafficking is not being effectively controlled. Moreover, special operations carried out by the National Police in connection with drug trafficking resulted in the impoundment of a total of 164 conventional firearms which drug traffickers had used to protect themselves, in most cases without any authorization from the entity responsible for issuing arms permits.

2. Based on these statistics, we are concerned about illicit arms transfers, since they undermine our country's social stability and, what is more, threaten public peace, which the police force has a duty to preserve. Accordingly, and in response to memorandum No. 960560 of 28 February 1996, below is a description of the specific and effective steps which the State has taken to curb and prevent the illicit transfer and use of conventional arms.

II. MEASURES TO CURB THE ILLICIT TRANSFER OF CONVENTIONAL ARMS

3. In Ecuador, the entity responsible for supervising the manufacture, import and export, marketing and possession of weapons, ammunition, explosives and accessories is the Ministry of Defence, which, through the Armed Forces Joint Command, issues to natural and juridical persons the appropriate permits to carry out the above activities.

4. Pursuant to article 8 of the Arms Manufacture, Import, Export and Possession Act, the State strictly prohibits the import, customs clearance, export, transit and transfer of firearms. These activities may be carried out only when they have been authorized by the Ministry of Defence, after the Armed Forces Joint Command has considered and reported on the matter. To enforce this rule, the Armed Forces Joint Command has instituted measures under which persons applying for such authorization will be required to: (a) have their names entered every year in the registers of authorized persons, which are to be kept in the fourth department of the Joint Chiefs of Staff of the Armed Forces, upon submission of their current registration with the relevant chamber; (b) obtain record books, duly numbered and signed by the authorities of the fourth department of the Joint Chiefs of Staff of the Armed Forces, which will consist of an arms record, an ammunition record and an explosives and accessories record; (c) submit in quintuplicate, to the Ministry of Defence, an application for consideration by the Armed Forces Joint Command, which must indicate the type and quantity of the items, the ports of embarkation and destination, the name of the shipping company, the f.o.b. and c.i.f. value of the items and the purpose of their importation.

5. Our country has issued the above forms and numbered record books, in which importers of conventional arms inform the appropriate authority of the origin, quantity, type and purpose of the items imported, so that the numbered records can be used thereafter to regulate the shipment or sale of the imported arms. Moreover, to obtain these forms or record books, importers will have to enter their names every year in the registers of authorized persons.

6. The foregoing description covers only the adoption of specific measures at the national and international levels in connection with arms importers which the supervisory entity has implemented to prevent the illicit transfer of firearms other than those used by the armed forces and the National Police.

III. MEASURES TO CURB THE USE AND POSSESSION OF ARMS

7. All Ecuadorian nationals and foreigners who wish to import a firearm may do so only if they have been authorized and issued the appropriate permit by the Ministry of Defence, through the diplomatic or consular missions accredited by Ecuador; likewise, no natural or juridical person may, without appropriate authorization, possess or bear any type of firearm, with the logical exception of the armed forces and the National Police.

8. The above-mentioned Act provides that any infraction shall result in the temporary confiscation of the weapons, ammunition, explosives or accessories, as the case may be. Furthermore, article 31 of the Act provides for three to six

years' imprisonment and fines of 5,000 to 10,000 sucres, in addition to the confiscation of the firearm, for violations of the legal regulations in force.

IV. SUGGESTIONS FOR PREVENTING THE ILLICIT TRANSFER OF ARMS

9. Part I hereof notes that the higher incidence of crimes committed, including robberies of public and private entities, bombings, escapes, kidnappings and clashes between criminals and the police, involved the use of conventional arms, despite the enactment of regulations intended to prevent the illicit transfer of arms. It is therefore important to ask how criminals, drug dealers and other persons obtain these arms without the appropriate authorization from the entity in charge of issuing permits, and where these persons buy firearms for their personal use. Both questions can be answered in terms of two phenomena: the purchase of weapons on the black market and manufacturers' failure to implement control measures with respect to their customers. Below are some suggested measures to prevent the illegal transfer of arms:

- The States Members of the United Nations should conclude an agreement requiring companies which market weapons to verify the identity, appropriateness and legal validity of the permits to carry out activities in this field presented by their customers, including both natural and juridical persons, through requests addressed to the Government or the entity responsible for regulating and supervising these activities in the country of origin of the customer or customers, in order to help stop the proliferation of the black-market arms trade;

- The States Members of the United Nations should establish and maintain, in their respective territories, ongoing and effective measures to curb the manufacture and possession of homemade firearms, which are as deadly as any other conventional arms;

- The United Nations should promote the conclusion of an international convention dealing specifically with arms smuggling, similar to the one on international drug trafficking, to establish tighter and more rigorous control over the manufacture, distribution and marketing of conventional arms, from the initial stages of their manufacture in countries that are large-scale producers of such arms.

GERMANY

[Original: English]

[15 May 1996]

1. Illicitly transferred weapons should as far as possible be collected where they are discovered. In this connection, however, it would appear necessary to clarify the question of compensation and establish uniform rules. It should not

be possible for anyone to claim compensation from the Government of the country which happens to be the one to collect the weapons transferred.

2. The country concerned should have relevant provisions (for instance, under its external trade, criminal, weapons and police laws).

3. It should have a well-functioning Government control system which is capable of enforcing such laws and is consistent with the rule of law.

4. The German Government supports regional and international cooperation in measures to curb the illicit transfer of weapons.

5. The exchange of information in the competent international export control regimes should be intensified. The Wassenaar Arrangement for the control of the export of conventional weapons, multi-purpose goods and technologies should be established and commence its work as soon as possible.

6. The export control systems and policies should be adapted to one another at the highest possible level, and export policies should be harmonized.

NAMIBIA

[Original: English]

[23 April 1996]

1. Governments through which arms are transferred should intensify the guarding of their borders.

2. Any person(s) found in possession of arms illegally should be dealt with according to the laws of the country.

3. International laws should also be put in place to control the smuggling of arms.

POLAND

[Original: English]

[6 May 1996]

The Government of the Republic of Poland supports international and regional attempts to curb the illicit transfer and use of conventional arms. The Government of the Republic of Poland recognizes the need for the effective cooperation of the States Members of the United Nations to limit illicit arms trafficking as a contribution to the enhancement of regional and international peace and security.

SAUDI ARABIA

[Original: Arabic]

[3 April 1996]

There is no illicit transfer of arms through the territory of Saudi Arabia.